

VALARIE K. BLAKE

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ACADEMIC APPOINTMENTS

West Virginia University College of Law Morgantown, WV
Associate Dean of Faculty Development & Research (2022-present)
Professor (tenured & full) (2020-present)
Associate Professor (2015-2020)

Courses taught: Torts, Legislation & Regulation, Health Care Law, Health Care Torts, Health Care Fraud & Abuse, Disability Law, Bioethics & Law Seminar, Health Care Civil Rights Seminar, Health Care Law (MHA online course)

Center for Bioethics & Health Law Pittsburgh, PA
University of Pittsburgh School of Law
Affiliate Faculty (2015-present)

Duquesne University School of Law Pittsburgh, PA
Visiting Assistant Professor (2013-2015)

Courses taught: Professional Responsibility, Health Care Law, Health Care Financing and Delivery, Health Care Fraud & Abuse

HONORS AND RECOGNITIONS

2023, West Virginia University College of Law Professor of the Year Award

2020, West Virginia University College of Law Significant Scholarship Award

2018-2019 Chair, AALS Disability Law Section

2015 Recipient of Saint Louis University/American Society for Law Medicine and Ethics Health Scholars Award

LAW REVIEW ARTICLES

Employer-Sponsored Reproduction, 124 COLUMBIA L. REV. ____ (2024) (with Elizabeth McCuskey).

Advancing Harm Reduction Services in the United States: The Untapped Role of the Americans with Disabilities Act (with Abigail Fletes, Maria Delos Reyes, John C. Messinger, and Leo Beletsky), 21 YALE J. HEALTH POL'Y, L. & ETHICS 61 (2022).

- Profiled in Harvard Public Health Magazine.

Transgender Rural Communities and Legal Rights to Gender-Affirming Health Care, 124 W. VA. L. REV. 877 (2022) (invited symposium, with Nathan Hamons).

Health Care Civil Rights Under Medicare for All, 72 HASTINGS L. J. 773 (2021).

Ensuring an Underclass: Stigma in Insurance, 41 CARDOZO L. REV. 1441 (2020).

-Selected for WVU College of Law 2020 Significant Faculty Scholarship Award

Regulating Care Robots, 92 TEMPLE L. REV. 551 (2020).

-Selected by peer-review for presentation at Yale Law School's Annual Health Law Symposium

Seeking Insurance Parity During the Opioid Epidemic, 2019 UTAH L. REV. 811 (2019).

Engaging Health Insurers in the War on Prescription Painkillers, 11 HARVARD L. & POL'Y REV. 487 (2017).

-Reviewed in University of Pennsylvania Regulatory Review

Restoring Civil Rights to the Disabled in Health Insurance, 95 NEBRASKA L. REV. 1071 (2016).

Remedying Stigma-Driven Health Disparities in Sexual Minorities, 17 HOUSTON J. HEALTH L. & POL'Y 183 (2017).

- Selected from 2017 AALS Works-in-Progress Paper Series Section on Law, Medicine, & Health Care Panel.

Health Care at a Price: The Impact on Young Adults' Medical Privacy and Autonomy of Being Covered on Their Parents' Health Insurance Until Age Twenty-Six, 51 FAMILY LAW QUARTERLY 303 (2017) (with Jessica Haught).

An Opening for Civil Rights in Health Insurance After the Affordable Care Act, 36 BOSTON COLLEGE J. L. & SOCIAL JUSTICE 2 (2016).

- Selected for 2015 Saint Louis University/American Society for Law Medicine and Ethics Health Scholars Award

Narrow Networks, the Very Sick, and the Patient Protection & Affordable Care Act: Recalling the Purpose of Health Insurance and Reform, 16 MINN. J. L. SCI. & TECH. 63 (2015).

Ovaries, and Testicles, and Uteruses, Oh My! Regulating Reproductive Tissue Transplants, 19 WM. & MARY J. WOMEN & L. 353 (2013).

It's an ART Not a Science: State Mandated Insurance Coverage of Assisted Reproductive Technologies and Legal Implications for Gay and Unmarried Persons, 12 MINN. J. L. SCI. & TECH. 651 (2011).

-Profiled in *The New Yorker*, 2019

PEER-REVIEW ARTICLES

Filling a Federal Void: Promises and Perils of State Law in Addressing Women's Health Disparities, 48 J MED ETHICS 485 (2020) (with Michelle McGowan).

Legal Remedies to Address Stigma-Based Inequalities and Improve Health Equity in the U.S.: Challenges and Opportunities, 97 MILBANK QUARTERLY 480 (2019) (with Mark Hatzenbuehler).

Financing Uterus Transplants: The United States Context, 32 BIOETHICS 527 (2018).

Rethinking the Americans With Disabilities Act's Insurance Safe Harbor, 6 LAWS 25 (2017).

Report by the American Medical Association's Council on Ethical and Judicial Affairs on Physicians' Exercise of Conscience. JOURNAL OF CLINICAL ETHICS 220 (2016) (with BJ Crigger, Patrick W. McCormick, Stephen L. Brotherton).

Uterus Transplantation: The Ethics of Moving the Womb 125 OBSTETRICS & GYNECOLOGY 971 (2015) (with Kavita Shah Arora).

Conflicts of Interest and Effective Oversight of Assisted Reproduction using Donated Oocytes, 43 J. L. MED. & ETHICS 410 (2015) (with Michelle McGowan & Aaron D. Levine).

Uterus Transplantation: Ethical and Regulatory Challenges, 40 J MED ETHICS 396 (2014) (with Kavita Shah).

The 2013 Review of the Children's Health Insurance Program Reauthorization Act: A Call to Action. 121 OBSTETRICS & GYNECOLOGY 1313 (2013) (with Kavita Shah).

Harmonization of Ethics Policies in Pediatric Research, 39 J. L. MED. & ETHICS 70 (2011) (with Steven Joffe & Eric Kodish).

BOOKS

Health Care Law (Learning Series) (West Academic Press) (forthcoming 2024) (with Zack Buck and Seema Mohapatra)

Lexis Civil Rights & Strategy Series: Federal Health Care Law (LexisNexis 2020).

BOOK CHAPTERS

Privatized Abortion Benefits, in *Private Law in Health Care* (forthcoming Harvard book volume) (with Elizabeth McCuskey).

Regulating Uterus Transplantation in the United States (forthcoming in Nicola Williams & Natasha Hammons-Browning, *INTERNATIONAL LEGAL AND ETHICAL PERSPECTIVES ON UTERINE TRANSPLANTATION*) (with Seema Mohapatra).

Rewritten Opinion, *Doe v. Mutual of Omaha Insurance Co.*, in Seema Mohapatra and Lindsay F. Wiley, *FEMINIST JUDGMENTS: REWRITTEN HEALTH LAW OPINIONS* (edited collection) (Cambridge University Press 2022).

The Ethics of Safety and Formal Equality: A Review on Policies Regulating Blood Donation by Men Who Have Sex With Men, in *ETHICAL ISSUES IN TRANSFUSION MEDICINE 2ED* (with Kavita Shah Arora, Stephen L. Brotherton, Bette-Jane Crigger, Sharon P. Douglas).

Ethical Issues in Gestational Surrogacy, in *THIRD PARTY REPRODUCTION: A COMPREHENSIVE GUIDE* (James Goldfarb, ed. 2014) (with Hannah Kushnick).

Human Subject Research Involving Children, in *CLINICAL ETHICS IN PEDIATRICS: A CASE-BASED APPROACH*, 194 (Diekema et al. eds., 2011) (with Eric Kodish).

SHORTER WORKS

The Infertility Shift, HARVARD PETRIE FLOM BILL OF HEALTH.
<https://blog.petrieflom.law.harvard.edu/2023/05/12/the-infertility-shift/> (May 12, 2023)(with Elizabeth McCuskey) (invited symposium).

Braidwood Management v. Xavier Becerra: Implications for PrEP Coverage, The BodyPro blog,
<https://www.thebodypro.com/article/braidwood-management-v-xavier-becerra-implications-prep-coverage> (May 2023) (with Charlie Long).

Anti-Selection is Only the Beginning, 50 J. L. MED. & ETHICS 155 (2022) (with Jessica Roberts).

Sex Discrimination in Health Care: LGBTQ Rights After Bostock, CALIFORNIA LAW REVIEW ONLINE (2021) (with Amy Post & Ashley Stephens).

The Opioid Crisis: Lessons for Health Reform, 21 J.L. SOC'Y 53 (2021).

Now Is the Time for a Sex-Based Civil Rights Movement in Health Care. HARVARD PETRIE FLOM BILL OF HEALTH. <https://blog.petrieflom.law.harvard.edu/2021/05/11/section-1557-sex-discrimination-civil-rights/> (May 11, 2021) (invited symposium).

Telehealth and COVID-19 for Practicing Clinicians, WEST VIRGINIA MEDICAL JOURNAL (with Amy Post) .

Why the Texas Ruling on Obamacare is on Shaky Ground, THE CONVERSATION (Dec. 17, 2018) (with Simon F. Haeder).

Regulating Social Robots in Health Care, BALKINIZATION, (Nov. 2, 2018).

Republicans Attacking Obamacare One More Time, THE CONVERSATION (March 5, 2018) (with Simon F. Haeder).

President Trump's Deregulation Agenda Clashes with the Cure for the Opioid Epidemic, AMERICAN CONSTITUTION SOCIETY BLOG (Nov. 2, 2017).

Civil Rights as Treatment for Health Insurance Discrimination, WISCONSIN LAW FORWARD (March 29, 2016).

Justice Scalia, Challenges to the Affordable Care Act, and a Missed Opportunity to Meaningfully Engage the Right to Healthcare, OXFORD HUMAN RIGHTS HUB (March 24, 2016).

WORKS-IN-PROGRESS

The Freedom Premium (law review article)

The Freedom Premium (trade book proposal)

Judicial Practice of Medicine in Abortion (with Sean Tu)

SELECT PRESENTATIONS

Panel, Reproductive Care

-2023 Petrie-Flom Center Annual Conference: Health Law as Private Law (June 2023)

Panel, Mainstreaming Sexual and Reproductive Health: Insurance, Employee Benefits, and First Amendment Lochnerism

- ASLME 46th Annual Health Law Professors Conference (June 2023)

The Freedom Premium: The Hidden Cost of American Health Care

-Insurance and Social Justice panel at Association of American Law Schools Annual Conference (January 2023)

- Virtual Health Law Scholars Workshop (December 2022)

- Southeastern Association of Law Professors Current Events in Health Law (August 2022)

- ASLME 44th Annual Health Law Professors Conference (June 2021)

-University of Michigan Employee Benefits & Social Insurance Conference (April 2021)

Panel, Technological Responses to the Challenges of Access to Care

-Law Review Symposium, DePaul University College of Law (April 2021)

The Need for Health Reform to Combat the Ongoing U.S. Opioid Crisis

-Law Review Symposium, Wayne State University Law School (February 2021)

Health Justice: Engaging Critical Perspectives in Health Law and Policy

-virtual workshop with Loyola Law School, American University, and Change Lab (August 2020)

Opportunities for Advancement in Maternal Health

-American University Next Steps in Health Reform (October 2019)

Regulating the Bedside Robot

-Yale Law School, The Law and Policy of AI, Telemedicine, and Robotics in Health Care (November 2018)

-WVU Law Faculty Colloquium (March 2019)

-American Society for Bioethics and Humanities (October 2019)

Underregulating Insurance in the Opioid Crisis

-University of Utah S.J. Quinney College of Law, The Opioid Crisis: Paths Forward to Mitigate Regulatory Failure (November 2018)

-University of South Carolina School of Law, Annual Law Review Symposium (February 2019)

The Good, The Bad, and The Ugly: On Immigrants, Civil Rights, and Health Care

-IU McKinney School of Law, The Intersection of Immigration Law and Health Policy (October 2018)

Discrimination Against Pregnant Women in Health Care (with Jessica Roberts)

-ASLME 41^h Annual Health Law Professors Conference (June 2018)

-Southeastern Association of American Law Schools (August 2018)

The Role of Healthcare Financing in Causing (and Curbing) Opioid Abuse

-Keynote Address, University of Pittsburgh's Annual Bioethics Symposium (March 2018)

-Plenary, Southern Illinois University Annual Health Law Policy Conference (May 2018)

If Discrimination Makes Us Sick, Then What Should Healthcare Providers Do About It?

-Keynote, Cleveland Clinic Bioethics Grand Rounds (April 2018)

Health Care as a Starting Point to Address Stigma

-ASLME 41^h Annual Health Law Professors Conference (June 2017)

-Southeastern Association of American Law Schools (August 2017)

Poverty as a Driver of Health Disparities in West Virginia

-Meeting of the Minds Workshop, West Virginia Health Disparities Initiative (March 2017)

Remedying Stigma-Driven Health Disparities in Sexual Minorities

-2017 AALS Works-in-Progress for New Law School Teachers, Association of American Law Schools, (Jan 2017)

Uterus Transplantation: Should Social Programs Finance Reproductive Transplants?

-Invited Speaker, Ethics of Uterus Transplant, King's College, Lancaster University, UK (Sept. 2016)

-Invited Speaker, University of Houston School of Law, Center for Health Law (April 2016)

Restoring Civil Rights to the Disabled in Health Insurance

- ASLME 39th Annual Health Law Professors Conference (June 2016)
- Southeastern Association of American Law Schools (Aug. 2016)

A Role for Reproductive Ethics in Civil Rights Litigation

- Invited Speaker, American Society for Bioethics and Humanities- Reproductive Affinity Group (Oct. 2015)

A Civil Right to Healthcare?

- SLU Health Law Scholars Workshop (Oct. 2015)

Not It: Clarifying Physicians Ethical or Legal Duties to Coordinate Patient Care

- ASLME 38th Annual Health Law Professors Conference (June 2015)

Narrow Networks, the Very Sick, and the Patient Protection & Affordable Care Act: Recalling the Purpose of Health Insurance and Health Reform

- Cleveland Clinic, Emerging Ethical and Legal Challenges in Chronic Neurological Conditions (Oct. 2014)
- Pitt Center for Health Law & Bioethics Colloquium (Sept. 2014)
- ACBA Health Law Section (May 2014)

Grassroots Engagements: A New Kind of Representation in Bioethics

- American Society of Bioethics and Humanities Conference, Washington DC (Oct. 2012)

To Self-Regulate or Not: Empirical, Normative, and Legal Approaches to Conflicts of Interest in Egg Donation

- American Society of Bioethics and Humanities Conference, Minneapolis, Minnesota (Oct. 2011)

UNOS for Uteruses: Ethical Distribution in Uterine Transplant

- American Society of Bioethics and Humanities Conference, San Diego, California (Oct. 2010)

SELECTED MEDIA

HIV, Medical Discrimination, and the Law: What Clinicians Need to Know, Podcast: The Future of HIV Care, *The Body Pro* (Oct. 27, 2022).

WV Lawmakers Target COVID Response, Not the Virus Itself, *Mountain State Spotlight* (Feb. 7, 2022) (quoted).

US Supreme Court Upholds ‘Obamacare’ in GOP-led Challenge, *West Virginia Metro News* (June 17, 2021) (quoted).

“Keeps Me Up At Night”: Doctors Who Care for Transgender Minors Brace for Bans, *NBC News* (May 27, 2021)(quoted).

U.S. Will Protect Gay and Transgender People Against Discrimination in Health Care, *NPR* (May 10, 2021) (quoted).

Inside President Biden’s Plan to Shore Up the Affordable Care Act, *Newsy* (Jan 28, 2021) (video interview).

Talkline (Nov 2020) (radio interview on California v. Texas).

Politicians Who Want to Ditch Obamacare Say They'll Protect West Virginians with Preexisting Conditions. But It's Not That Easy, *Mountain State Spotlight* (Nov. 2020) (quoted).

Advanced Directives and Cancer Care, Living Beyond Cancer podcast, WVU Cancer Institute (June 2020).

Ensuring an Underclass, Stigma and Insurance, Cardozo Law Review podcast (May 2020).

Imagine Being Kicked Off Your Health Insurance Two Months After Giving Birth, *Vice News*, Nov. 12, 2019 (quoted).

The Case for Redefining Infertility, *The New Yorker*, June 18, 2019 (quoted and research profiled).

Why the Texas Ruling on Obamacare is on Shaky Legal Ground, *Pittsburgh Post-Gazette* (Dec. 19, 2018) (with Simon F. Haeder).

West Virginia is First. Let's Keep It That Way. *The Register Herald*, Op-Ed, Sept. 26, 2018 (with Simon F. Haeder, Sara A. Anderson, Lisa M. Costello, Lindsay Allen).

Van Jones Show, *CNN*, Opioid Crisis in West Virginia (2018) (consultation).

Transplanted testicles will always make the donor's sperm, *The Verge*, April 26, 2018 (quoted).

Republicans take another swing at Obamacare, *Salon.com* (March 2, 2018) (featured article with Simon F. Haeder).

Opioid measures could go too far, say bioethics experts, *Pittsburgh Post-Gazette* (presentation profiled).

ACA Repeal, *West Virginia NPR*, November 2016 (radio)(quoted).

Consumers could lose out as insurers kill broker fees, *Houston Chronicle*, May 2016 (quoted).

Insurers get rid of pay to brokers, *Houston Chronicle*, May 2016 (quoted).

U.S. Attorney to Attack Fraud in Health Care, *Pittsburgh Post-Gazette*, Sept. 22, 2014 (quoted, teaching/research profiled).

Lab Accused of Paying Kickbacks to Doctors, *Pittsburgh Post-Gazette*, Sept. 5, 2014 (quoted).

Legality of IRS Subsidies Under Affordable Care Act, July 2014 (radio) (quoted).

Night Talk: Get to the Point, Affordable Care Act, March 2014 (WPXI television).

COMMITTEE WORK

National:

- Chair, Disability Law Section AALS (2018), Vice Chair (2017), Secretary (2016)
- SEALS Newer Law Professors Committee (2018-present)
- SEALS Health Law Task Force (2016-present)
- Review of Traumatic Brain Injury Research Grants for Department of Defense (2015-present)

College of Law:

- Hiring Committee (2022-present)

- Enrollment Management (2017-2019), Chair (2020-2022)
- Faculty Development (2015-2016, 2019-present)
- Academic Planning (2017-present)
- Ad Hoc Hiring Committee (2017)
- Faculty Adviser, Health Law Club (2017-present)
- Coach, Health Law Moot Court/Transactional Contests (2016-present)

University:

- Graduate Council (Spring 2019)
- West Virginia State Opioid Task Force (2016-2020)
- Medical Humanities and Health Studies Collaboration (2017-present)
- Mountaineers Health Initiative Steering Committee (2017-present)
- Steering Committee, Children's Health Summit (2017)

FUNDRAISING/GRANTS

- Investigator, National Science Foundation, Bridges in Digital Health grant, \$48,000 salary support
- Investigator, EFRI BRAID, Learning with Hierarchical Feedback Mechanisms, \$25,000 salary support
- Obtained \$40,000 grant to produce legal annotations for American Medical Association's Code of Medical Ethics (2020-2021)
- Obtained \$250,000 funding to hire a health law fellow (2019-2021)

SELECT PEER-REVIEW AND EDITORIAL WORK

California Law Review, Health Affairs, Journal of Narrative Ethics, Journal of Law, Medicine and Ethics, Bioethics, American Journal of Preventive Medicine

EDUCATION

Case Western Reserve University, Cleveland, Ohio
M.A. (medical ethics), August 2010, GPA 4.0

University of Pittsburgh School of Law, Pittsburgh, Pennsylvania
J.D., May 2009, Cum Laude

Bar Admission- Pennsylvania 2009

Health Law Certificate (Concentrations in Bioethics, Global Health and Human Rights)

ASLME Health Law Student of the Year Award

Topics Editor, PITTSBURGH JOURNAL OF ENVIRONMENTAL AND PUBLIC HEALTH LAW

Teaching Assistant, Legal Writing and Analysis

Albert Schweitzer Fellow

University of Pittsburgh, Pittsburgh, Pennsylvania
B.S. in Neuroscience, May 2005, Cum Laude

Certificate in History and Philosophy of Science

OTHER WORK EXPERIENCE

Senior Research Associate, Ethics, American Medical Association

May 2011-July 2013

Legal support for physician disciplinary proceedings

Legal and research support for development of AMA's *Code of Medical Ethics*

Secretary for Reference Committee on Ethics (policy making function)

Editor, health law column, *Virtual Mentor*

AMA policy input for World Medical Association and federal healthcare agencies

Advanced Bioethics Fellow, Cleveland Clinic

July 2009-April 2011

Bedside ethics consultations

Research and teaching in the areas of health law and medical ethics

Women's Veteran's Advisory Committee

Cleveland Veteran's Ethics Committee

Hospital policy development